IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3199 OF 2004

Ajit Vithhal Mourya and ors. .. Applicants

Vs

State of Maharashtra, .. Respondent

Ms Revati P.Mohite-Dere, for the applicants.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 18th AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. These applicants are involved in C.R.No.109 of 2004 registered at Vikhroli Police Station under sections 306, 506(II) read with section 34 of Indian Penal Code. It is the prosecution case that the deceased Sammer Hirojee committed suicide on 11.6.2004. In the suicide note, left by him, he stated that he was being mentally harassed and cheated by the applicants and that they were bringing pressure on him to withdraw from partnership business of hotel. He further stated in the note that he was cheated by the applicants of the amount of Rs.3,20,000/-. Ms Revati Mohite-Dere, learned counsel for the applicants, on instructions, submitted that without admitting the liability and the allegations made by the deceased in the note the applicants have

deposited Rs.3,50,000/- by demand draft with Sr.Police Inspector, Vikhroli Police Station, and that the applicants do not have any objection to pay the said amount to the mother of the deceased on compassionate ground without prejudice to their legal rights and contention in these proceedings.

3. I have perused the order as well as other material placed before me. It was very unfortunate incident that the deceased was required to commit suicide in the circumstances mentioned by him in the suicide note. However, in my opinion, custodial interrogation of the applicants would not be necessary and the ends of justice would be met by the following order:

a) The applicants be enlarged on bail, in the event of their arrest, in C.R.No.109/2004, registered at Vikhroli Police Station on their furnishing personal bonds of Rs.10,000/- each and one or two sureties of the like amount to the satisfaction of the Station Officer of the said police station subject to the condition that they shall report the concerned police station every day between 10 am and 11 am for a period of 7 days for interrogation and thereafter as and when called.

b) The demand draft of Rs.3,50,000/- deposited with the Sr.P.I. of the concerned police station by the applicants be paid by him to the mother of the deceased by demand draft. It is made clear that the payment that

would be made to the mother of the deceased is on compassionate ground and without prejudice to the legal rights and contentions of the applicants in the criminal proceedings and it shall not be construed that they accepted the liability and the allegations made by the deceased in the note.

. The application is disposed of.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)

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